

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 09 May 2008

Case No.: 2008-TLC-00027

In the Matter of

VAN DE WALLE FRUIT FARM, LLC,
Employer.

ORDER OF DISMISSAL

This matter arises under the temporary agricultural labor or service provision of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii) (“Act”), as implemented by 20 C.F.R. Part 655. This case involves a May 3, 2008, request for a review of the Department of Labor’s April 28, 2008, denial of a temporary alien agricultural labor certification (H-2A) application filed by the Employer.

On May 9, 2008, the Certifying Officer (“CO”) submitted a statement of position. The CO has determined that, upon further consideration, the Employer’s application for temporary labor certification complies with the pertinent requirements. As a result, the CO will accept the Employer’s application.

As the CO’s decision to accept the Employer’s application precludes the need for a review of the record, this matter is hereby **DISMISSED. SO ORDERED.**

A

JOHN M. VITTON
Chief Administrative Law Judge